

CHAPTER 5 TESTIMONY RESPONSE TRACKING				
Source	Date	Issue/Topic	Comment	Response
Eric Mayl, P.E., FPE	2/19/2010 Comments were sent via letter (See Attachment D) and via meeting with Mr. Mayl	Various sections of the draft code.	Mr. Mayl had general comments and proposed several editorial or clarifying changes to the text of various sections of the draft code. Following receipt of his letter, the staff met with Mr. Mayle to discuss his concerns and solutions.	Staff agrees with the minor word changes suggested by Mr. Mayl (with the exception of one relating to CO2 detectors) and will change the draft accordingly.
Eric Mayl, P.E., FPE	See above	Location of Fire Pump Room - Section 903.6.1	Opposed to the requirements for doors and construction of the fire pump room on the first floor of buildings because this reduces marketable area for buildings.	The staff recognizes the loss of space but believes it saves time for firefighters in the event of an emergency.
Eric Mayl, P.E., FPE	See above	Self-supporting stairs - Section 1009.6.4	Objects to making stairs self-supporting due to cost and difficulty.	Self-supporting stairs would be safer but the staff agrees that there is insufficient data to prove whether the benefit outweighs the cost.
Eric Mayl, P.E., FPE	See above	Word Change	Recommended changing the word "live" to occupy in Sect 5-46 (6)	Staff agrees to proposed code change.
Eric Mayl, P.E., FPE	See above	Word Change	Recommended changing/adding the references to the International Building Code to the "I" Codes" referencing the International Code Council under 101.3.1	Staff felt this was not necessary.
Eric Mayl, P.E., FPE	See above	Word Change	Commented about the wording under the FPEDE requirement to comply with other wording consistent with State Licensing Requirements. Specifically the last paragraph starting with "these drawings and specifications" Reference: 101.2.6	Staff agrees to the proposed wording by the commenter.
Eric Mayl, P.E., FPE	See above	Sealing of construction drawings	Asked about the stamping of fire protection drawings and the use of the wet stamp/seal.	No change recommended. Requirements in State law.
Eric Mayl, P.E., FPE	See above	Word Change	Define the term "Laboratory liquids" See NFPA 30 etc...	Changed to laboratory chemicals
Eric Mayl, P.E., FPE	See above	Word Change	Comment about lettering requirements and that the 6" size requirement should reference the stroke of the letters. Reference: 701.2	Staff agrees to proposed code change.
Eric Mayl, P.E., FPE	See above	Word Change	Recommended changing the word "can be" to "shall" in the last sentence of the paragraph speaking to flame spread . Reference: 711.6.1	Staff agrees to proposed code change.
Eric Mayl, P.E., FPE	See above	Word Change	Comments about Atrium Sprinkler Zones. "Wants atriums to be a separate section and indicated he felt the section as written conflicted with 907.6.3 Reference: 903.1.2	Staff agrees to proposed code change.

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Anne Vassallo	2/18/2010 Attachment E	General	When will the Public Comment Period end?	The public comment periods ended on 3/22/10.
Giuseppe Mastroeli, President, M&T Bank	2/22/2010 Speaker at Public Hearing	Supports Adoption	The Chamber of Commerce appreciates the City's coordination with them. The Chamber supports the ordinance and looks forward to working with the City on the implementation and development of incentive programs.	Conducted several meetings with Chamber
John McKee	2/22/10 Speaker at Public Hearing	Questions rebuilding of homes after fire	The code should specify when the provisions and standards apply, specifically to existing structures. For example, if a home burns down, what standards need to be met to reconstruct the structure? How does the proposed code relate to insurance policies?	No change recommended. Met with commenter after the public hearing meeting to explain the code and permit requirements in detail. The ICC clarifies the exact provisions for administering the code.
John Buckley, 130 S Adams Street, Rockville, MD	3/5/2010. Received via Email. (See Attachment F)	Supports all of the proposed code revisions, with the exception of the Green Requirements.	I support adopting the latest editions (2009) of the International Codes and the 2008 National Electrical Code into the City's building codes.	No change needed.
John Buckley, 130 S Adams Street, Rockville, MD	3/5/2010. Received via Email. (See Attachment F)	Opposed to Specific Green regulations. As cited in comment section; Articles VI and XIV.	I oppose the addition of "green" provisions through amendment, into the 2009 International Code. Specifically, I am opposed to the requirements provided in Division 5 - One and Two Family Dwelling Requirements. Imposing the requirements in Section 5-344 go well beyond the function of local government.	No change recommended. The Mayor and Council and the Environment Commission have shown interest in exceeding the minimum standards to promote a more sustainable Rockville.
Barbara Sears, Samantha Mazo, Linowes & Blocher LLP	3/19/2010 Sent in Via Letter (see attachment G)	Recommends change to site plan approvals.	Avalon Bay supports the Staff's recommendation to grandfather the filed site plans from the proposed in Article CIV, Green Buildings Regulations, and asks the Mayor and Council to include such direction in the adopting Ordinance for the New Building Code/Green Building Regulations. The staff recommended that "the requirements of the proposed Article XIV, Green Building Regulations, shall not be applicable to the following: Site Plans (Level 1, 2, and 3) and Project Plans where a Pre-application, or formal application, has been made prior to the effective date of Article XIV of Chapter 5;..." This grandfathering language recognizes the substantial time and costs in processing site plans and represents a fair and equitable approach to the application of these new regulations.	No change required if Mayor and Council use recommended implementation language. Depending on time of application the project may have vested rights.

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Christina Y. Ginsberg, Twinbrook Citizens Association	3/22/2010 Letter, (See Attachment C)	Building Threshold Sizes, "110% Build-out Rule," Article VI, Sec.R202 - see definition of "Addition"	The 110% build-out rule should be changed to a threshold of 1000 SF regardless of the size of the house. Per Staff report: "The proposed threshold of an increase in size of 100% or 1500 SF is allowed before triggering retrofit of an existing residence."	The staff has no objection to this change. The proposal changes the threshold to a flat 1,000 SF.
Christina Y. Ginsberg, Twinbrook Citizens Association	3/22/2010 Letter, (See Attachment C)	Energy Star appliances and replacement sizes. Concern over sizes of new appliances fitting into existing spaces. Article VI, Sec. M1401.1.1 and Art. XIV, Sec. 5-333	Requests when the installation of Energy Star appliances would require installing an appliance LARGER than the space occupied by the existing appliance OR would require structural alterations to a house, that the requirement for Energy Star appliances be waived. While Staff assures us that newer, energy efficient appliances are often smaller than current models, we respectfully ask that an escape clause be added in order to prevent situations where the need to replace a dishwasher necessitates tearing apart the kitchen, or situations where replacing a furnace results in realigning interior walls.	No change recommended. Staff does not think this will be an issue. Dryers, washers, stoves are manufactured to fit into the same opening sizes. New furnaces are in most cases much smaller than those manufactured several years ago. If a conflict with existing conditions were to occur, the resident can use the the existing Code Modification process found in the IRC and IBC codes.
Christina Y. Ginsberg, Twinbrook Citizens Association	3/22/2010 Letter, (See Attachment C)	Green roof plant types.	Green Roofs – In commercial areas, where green roofs are possible, genuine green roofs using xeric plants should be used whenever possible.	No change recommended. This level of detail is not needed in the building code. The plantings are typically handled by industry best practices.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Multiple Building and Green Building Regulations	There are unintended consequences from putting sections on indoor air and energy efficiency into Articles XIV and VIII from different sources. Doing so affects the durability of buildings. By getting ahead of this 2009 International Codes with respect of the 2009 International Codes with respect to a tighter envelope and indoor air requirements, mildew, rot, buckling, and moisture formation may result, as well as reduce quality of indoor air. The Federal Emergency Management Agency and others are currently sponsoring studies on potential durability as well as additional issues with green building.	Staff recommends modifying tables 402.1.1 and 402.1.3 to meet the 2009 IECC.

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Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Energy code and efficiency. Use of ICC Green Building Standard to increase flexibility of design.	The 2009 International Codes, approved by the International Code Council (ICC), is an integrated system that aggressively requires a 15 percent increase in energy efficiency over the 2006 code. Even this system needs to be worked out in the real world. If the City of Rockville requires a greater energy efficiency, it can state what energy efficiency needs to be achieved but leave the detail on how to get there up to the building designer and builder. For example, a house built to the Silver level of the ICC National Green Building Standard will be 30 percent more energy efficient than a house built to the 2006 I Codes. Simplifying Articles XIV and VIII will give more flexibility to consumers to meet the requirements and make it easier for the City to provide for quality control and	No change needed because insulation values will be changed based on the previous comment. Additional 15% will be addressed in the 2012 IRC and IBC codes. The intent of the ICC is to make gradual increases in energy efficiency on each new national code.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Allow NGBS standards as an equivalent to LEED requirements.	Non-Residential and Multi-Unit Residential Green Buildings. Since Sections 5-316 explicitly states the "for multi-unit and low-rise residential buildings, the National Green Building Standard (NGBS) may be used as a LEED-equivalent rating system," this should also appear with appropriate wording in each of the relevant sections of Division 4. We restate our previous recommendation that the NGBS should be accepted as an equivalent system for high-rise residential or at least those that are frame built.	No change recommended. Given that the NGBS is explicitly stated as an equivalent means of compliance in Section 5-316, it does not need to be restated.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Use of Green Building Standards NGBS	Section 5-321. Compliance – New Construction and Core & Shell. This section should be revised to indicate how to use the NGBS to meet this section's requirement.	No change recommended. This is an equivalent system allowed by code.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Code requirement waivers. Consideration granting on a case by case basis.	Section 5-313. Waivers and Modifications. The BIA recommends that language be added to allow consideration and granting of an exemption from any requirement of Article XIV on a case-by-case basis upon evidence of infeasibility in meeting the requirement, evidence of hardship in meeting the requirement, a determination that the public interest would not be served in complying with the requirement, or evidence that the building type is outside the scope of the requirements.	No change needed. Suggestion falls within the existing Code Modification process found in the IRC and IBC codes.

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Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Allowing the use of the Plumbing Code requirements to install Fire Sprinkler systems in new home construction.	Residential Automatic sprinkler system design and installation. For the first time, the ICC requires residential automatic sprinkler systems in the main body of the code. The code (Section R313.2.1) allows design and installation of one- and two-family dwelling automatic sprinkler systems with either Section P2904 or NFPA13D. Through an oversight that the ICC code process is expected to correct townhouse sprinkler systems (Section R313.1.1) should also be designed and installed using either Section P2904 or NFPA 13D. Citing both P2904 and NFPA 13D will offer builders and consumers a choice as well as cost savings with the use of P2904. The Association recommends that language be added to allow use of either P2094 or NFPA 13D	No change recommended because the State requires master plumbers to be licensed as sprinkler contactors if they install fire sprinkler systems.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Structural wall bracing requirements for new home construction (not in Rockville draft)	Guidance on Residential Wall Bracing. Due to complications posed by the wall bracing sections of the 2009 International Residential Code (IRC), we hope that the City of Rockville will be amendable to clarifications and interpretations and when necessary variances requested based on the ICC document, <i>A Guide to the 2009 IRC Wood Wall Bracing Provisions</i> .	No change recommended since the Code Modification process found in the IRC and IBC codes could be used to determine equivalence on a case by case basis.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Allowing a State of MD proposed bill not currently part of the State code to be used.	The Association proposes that the City of Rockville adopt the energy neutral amendment: IECC: Table 405.5.2 (1) – Equipment Trade-offs. The purpose of this amendment is to retain the original equipment trade-off provisions from the 2006 International Energy Conservation Code for heating systems, cooling systems, and service water heating. Without that amendment the required increase in energy efficiency for residential single family would need to be achieved through envelope improvements (insulation and windows) only which are less quantifiable under real world conditions and often more costly than more energy efficient equipment. In addition, without equipment tradeoffs, the vent configuration of lower efficiency equipment installed in the home will not permit future upgrades to energy efficiency equipment without significant and expensive changes.	No change recommended. The State bill speaks to general local amendments. This proposal could create reduced energy efficiency of the building over the long -term.

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Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Allowing proposed language not currently approved in the National Codes. Also comments about Heating ,Cooling and ventilation duct testing requirements.	The Association proposes that the City of Rockville adopt the energy neutral amendment: IEEC: 403.2.2 – Duct Testing. The purpose of the Duct Testing Amendment is to revise the testing requirement of all ducts located outside the thermal envelope to require a random testing of ducts as seen necessary by the code official. This amendment will allow the code official to quickly determine compliance visually without doing cumbersome and expensive mechanical testing on every home. Compliance testing would be required to determine air leadage to duct systems, the code official shall be permitted to require random sample testing of no fewer that one in seven homes.	No change recommended. The City inspects each home under construction and does not agree with inspecting only 1 home in 7.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Fire Sprinkler insulation values. Wants less restrictive.	Article V Basic Building Code, Section 903.8 Insulation Value for Sprinkler Piping Protection. This section should not require R-30 insulation in the exterior walls. In Rockville's Climate Zone, R-24 insulation, as is required in neighboring Montgomery County, is adequate to protect "wet" water supply piping in exterior walls	No change recommended. Less restrictive and could result in the Fire Protection system freezing.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter send to City. (See Attachment B)	Non required egress stair exemption from fire rating.	Exception to Article V Basic Building Code Section 1009.6.4 Stair Construction Method. The Association proposes an exception to the 1009.6.4 since there are stairs that are egress but are not required to be in fire-rated resistant enclosures.	No change recommended. This is already in code because non-required egress stairs do not have to meet this code section.
Randy Melvin, MD Nat'l Capital Building Industry Association	3/22/2010 Letter.)See Attachment B)	12 month phasing of Green Building Regulations.	Grandfathering. According to City staff, grandfathering will be set with approval of the Code Update by the City of Rockville. For the Green Building Regulations, the Association recommends a 12-month phasing in period where the new regulations can be followed but are not required.	Staff does not support a 12-month grandfathering provision. The proposed implementation language grandfathers projects currently in the development review process.